

REMARKS/ARGUMENTS

Claims 6, 7, 9-24, and 47-69 are pending in this patent application. Claims 6, 7, 9-24, and 47-66 are rejected. Claim 66 is amended. Claims 67-69 are newly added. No new matter has been added.

Claims 6-7, 9-13, 15-19, 22-24, and 47-66 under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (U.S. Patent Application Publication No. 2003/0027639) in view of Walker et al. (U.S. Patent Application Publication No. 2003/0003988). Peterson et al. is referred to herein as Peterson and Walker et al. is referred to herein as Walker.

Applicants respectfully submit that neither Peterson nor Walker, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6.

For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest *a gaming apparatus comprising* “said controller being programmed to *initiate downloading* of at least one of said one or more selected games from said selected casino gaming server and receive gaming data for execution of said at least one selected game from said selected casino gaming server after said selecting of said casino gaming server, said controller being programmed to *initiate execution* of said at least one game after said downloading of said at least one selected game” and “said controller being programmed to independently determine a value payout associated with an outcome of said at least one selected game based on the execution of said at least one selected game on said gaming apparatus *after receiving said at least one selected game from said at least one selected casino gaming server*” as recited in claim 6.

Rather, Peterson describes that “[t]o begin game play, a connection between a game client and a server is formed such that the game client communicates with the server via the transmission mechanism” (paragraph 19). “On commencement of a game, the server sends a game data packet to the client application of a game client” (paragraph 19). “The game client on completing game play, indicates the completion of a game to the server and, in turn, information is sent to the payment gateway to update an account

balance for that game client” (paragraph 21). Each game client includes a processor “*for communicating with the server during game play and for updating the data packet during the game*” (paragraph 23). Peterson also describes that once credit information has been verified and approved, *a game host “will begin the game 708”* (paragraph 56). Further Walker describes a gaming device (paragraph 47). Accordingly, Walker describes a gaming device and Peterson describes that *the game host begins the game*, and neither Peterson nor Walker, considered alone or in combination, describe or suggest *a gaming apparatus comprising “said controller being programmed to initiate downloading of at least one of said one or more selected games from said selected casino gaming server and receive gaming data for execution of said at least one selected game from said selected casino gaming server after said selecting of said casino gaming server, said controller being programmed to initiate execution of said at least one game after said downloading of said at least one selected game”*.

As another example, neither Peterson nor Walker, considered alone or in combination, describe or suggest “said controller being programmed to *independently determine* a value payout associated with an outcome of said at least one selected game based on the execution of said at least one selected game on said gaming apparatus after receiving said at least one selected game from said at least one selected casino gaming server” as recited in claim 6. The Examiner agrees on page 3 that “Peterson does not disclose that the controller is programmed to independently determine a value payout associated with an outcome of said game”. Further, Walker describes that “[t]he user may select from among several game types (e.g. deuces-wild, jacks or better, video reel, three reel, five reel, video poker, blackjack, etc.) and proceed to configure the game to his liking. For example, the user may set a default game denomination, a game starting point, rules for making automatic play decisions, game rules, a color scheme, a level of help, a bonus frequency, a bonus duration, a speed of reel spin, a font size and/or style, a currency type, a sound type, a sound level, a language, a currency, *a payout structure, a payout amount, a payout option*, a team option, a comp format, a jackpot probability, etc.” (paragraph 34). Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest the *independent determination* as recited in claim 6. Hence, claim 6 is patentable over Peterson in view of Walker.

Further, Applicants respectfully submit that neither Peterson nor Walker, considered alone or in combination, describe or suggest a method for downloading gaming data from a server gaming apparatus as recited in claim 47.

For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest “receiving the requested gaming data over the communications path from the selected server gaming apparatus; responsive to placing of a player wager, *causing output of an outcome of a game of chance in accordance with the received gaming data*” as recited in claim 47. Rather, Peterson describes that “[t]he game client on completing game play, *indicates the completion of a game to the server* and, in turn, information is sent to the payment gateway to update an account balance for that game client” (paragraph 21). Each game client includes a processor “for *communicating with the server during game play and for updating the data packet during the game*” (paragraph 23). Walker describes a gaming device (paragraph 47). Accordingly, Peterson describes that the game client *indicates the completion of a game to the server* and neither Peterson nor Walker, considered alone or in combination, describe or suggest “*causing output of an outcome of a game of chance in accordance with the received gaming data*”, *the received gaming data received “over the communications path from the selected server gaming apparatus”* as recited in claim 47.

As another example, neither Peterson nor Walker, considered alone or in combination, describe or suggest “receiving a selection, made according to the server information data, of the server gaming apparatus from the plurality of servers, the selection designating the server gaming apparatus for download of the gaming data for a game not available on said client gaming apparatus; sending a request message to the selected server gaming apparatus, the request message requesting the gaming data; receiving the requested gaming data over the communications path from the selected server gaming apparatus; responsive to placing of a player wager, causing output of an outcome of *a game of chance* in accordance with the received gaming data; and issuing a value payout for play of *the game of chance*” as recited in claim 47.

Rather, Peterson describes a method and apparatus for playing *a game of skill* in a networked environment (abstract). Further, Walker is described above and does not describe or suggest the *selected* server gaming apparatus selected in a manner recited in

claim 47. Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest “responsive to placing of a player wager, causing output of an outcome of a *game of chance* in accordance with the received gaming data; and issuing a value payout for play of the *game of chance*”, the received gaming data is requested over the communications path from the *selected* server gaming apparatus as recited in claim 47. Hence, claim 47 is patentable over Peterson in view of Walker.

Additionally, for at least the same reasons set forth above, neither Peterson nor Walker, considered alone or in combination, describe or suggest a method for downloading gaming data from a server gaming apparatus is recited in claim 55. For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest “responsive to the request message, sending the gaming data to the client gaming apparatus over the communications path, *an outcome of a game of chance capable of being output on the client gaming apparatus in accordance with the sent gaming data* responsive to placing of a wager” as recited in claim 55. Rather, Peterson describes that “[t]he game client on completing game play, *indicates the completion of a game to the server* and, in turn, information is sent to the payment gateway to update an account balance for that game client” (paragraph 21). Each game client includes a processor “for *communicating with the server during game play and for updating the data packet during the game*” (paragraph 23). Walker describes a gaming device (paragraph 47).

Accordingly, Peterson describes that the game client *indicates the completion of a game to the server* and neither Peterson nor Walker, considered alone or in combination, describe or suggest “sending the gaming data to the client gaming apparatus over the communications path, *an outcome of a game of chance capable of being output on the client gaming apparatus in accordance with the sent gaming data* responsive to placing of a wager” as recited in claim 55.

As another example, for at least the reasons set forth above, neither Peterson nor Walker, considered alone or in combination, describe or suggest “*responsive to the request message*, sending the gaming data to the client gaming apparatus over the communications path, an outcome of a *game of chance* capable of being output on the client gaming apparatus in accordance with the sent gaming data responsive to placing of a wager” where “the request message based on a *selection* of the server gaming apparatus

from a plurality of servers, the *selection* designating the server gaming apparatus for download of the gaming data, the *selection* made according to server information data regarding the plurality of servers, the server information data including comparative data for one or more server parameters” as recited in claim 55.

Rather, Peterson describes a method and apparatus for playing *a game of skill* in a networked environment (abstract). Further, Walker is described above and does not describe or suggest the *request message as is* recited in claim 55. Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest “*responsive to the request message, sending the gaming data to the client gaming apparatus over the communications path, an outcome of a game of chance capable of being output on the client gaming apparatus in accordance with the sent gaming data responsive to placing of a wager*” as recited in claim 55. Hence, claim 55 is patentable over Peterson in view of Walker.

Further, neither Peterson nor Walker, considered alone or in combination, describe or suggest a client gaming apparatus for downloading gaming data as recited in claim 60. For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest a client gaming apparatus comprising a communications interface coupled to “receive the requested gaming data from the selected server gaming apparatus over the communications path” and “the processor of the controller further programmed to: responsive to placing of a player wager using the wager input device, *output an outcome of a game of chance to the display, in accordance with the received gaming data, and issue a value payout to the value output device for play of the game of chance*” as recited in claim 60. Rather, Peterson describes that “[t]he game client on completing game play, *indicates the completion of a game to the server* and, in turn, information is sent to the payment gateway to update an account balance for that game client” (paragraph 21). Each game client includes a processor “*for communicating with the server during game play and for updating the data packet during the game*” (paragraph 23). Walker describes a gaming device (paragraph 47). Accordingly, Peterson describes that the game client *indicates the completion of a game to the server* and neither Peterson nor Walker, considered alone or in combination, describe or suggest the processor of the controller of the *client gaming apparatus* further programmed to “responsive to placing

of a player wager using the wager input device, *output an outcome of a game of chance to the display, in accordance with the received gaming data, and issue a value payout to the value output device for play of the game of chance*” as recited in claim 60.

As another example, neither Peterson nor Walker, considered alone or in combination, describe or suggest “the processor of the controller further programmed to: responsive to placing of a player wager using the wager input device, output an outcome of *a game of chance* to the display, in accordance with the *received gaming data*” as recited in claim 60.

Rather, Peterson describes a method and apparatus for playing *a game of skill* in a networked environment (abstract). Further, Walker is described above and does not describe or suggest “output an outcome of a game of chance to the display, *in accordance with the received gaming data*”, where the *received gaming data* is requested “from the *selected* server gaming apparatus over the communications path”, where the *selection* is made in accordance with claim 60. Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest “the processor of the controller further programmed to: responsive to placing of a player wager using the wager input device, output an outcome of *a game of chance* to the display, in accordance with the *received gaming data*” as recited in claim 60. Hence, claim 60 is patentable over Peterson in view of Walker.

Moreover, neither Peterson nor Walker, considered alone or in combination, describe or suggest a computer readable medium as recited in claim 66. For example, neither Peterson nor Walker, considered alone or in combination, describe or suggest a plurality of instructions configured to direct the processor to “receive the requested gaming data over the communications path from the selected server gaming apparatus; *responsive to placing of a player wager, cause output of an outcome of a game of chance in accordance with the received gaming data; and issue a value payout for play of the game of chance.*” Rather, Peterson describes that “[t]he game client *on completing game play, indicates the completion of a game to the server* and, in turn, information is sent to the payment gateway to update an account balance for that game client” (paragraph 21). Each game client includes a processor “*for communicating with the server during game play and for updating the data packet during the game*” (paragraph 23). Walker

describes a gaming device (paragraph 47). Accordingly, Peterson describes that the game client *indicates the completion of a game to the server* and neither Peterson nor Walker, considered alone or in combination, describe or suggest “*responsive to placing of a player wager, cause output of an outcome of a game of chance in accordance with the received gaming data; and issue a value payout for play of the game of chance*” as recited in claim 66.

As another example, neither Peterson nor Walker, considered alone or in combination, describe or suggest the computer-readable medium comprising a plurality of instructions configured to direct the processor to “responsive to placing of a player wager, cause output of an outcome of *a game of chance* in accordance with the *received gaming data*” as recited in claim 66.

Rather, Peterson describes a method and apparatus for playing *a game of skill* in a networked environment (abstract). Further, Walker is described above and does not describe or suggest “responsive to placing of a player wager, cause output of an outcome of a game of chance *in accordance with the received gaming data*”, where the *received gaming data* is requested over the communications path from the *selected* server gaming apparatus, where the selection is made in accordance with claim 66. Accordingly, neither Peterson nor Walker, considered alone or in combination, describe or suggest “responsive to placing of a player wager, cause output of an outcome of *a game of chance* in accordance with the *received gaming data*” as recited in claim 66. Hence, claim 66 is patentable over Peterson in view of Walker.

The various dependent claims are respectfully submitted to be patentable over the art of record for at least the same reasons as set forth above with respect to their associated independent claims. Furthermore, these dependent claims recite additional features that when considered in the context of the claimed invention, further patentably distinguish the art of record. Accordingly, for at least the reasons set forth above, claims 6-7, 9-13, 15-19, 22-24, and 47-66 are patentable over Peterson in view of Walker.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Grimm et al. (U.S. Patent No. 6345297), referred to as Grimm.

Claim 14 depends from independent claim 6. As described above, claim 6 is

patentable over Peterson in view of Walker. Further, Grimm is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, and Grimm, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6. Hence, claim 14, which include the recitations of claim 6, are patentable over Peterson in view of Walker, and further in view of Grimm.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Walker, and further in view of Crumby (U.S. Patent No. 6638170).

Claims 20-21 depend indirectly from independent claim 6. As described above, claim 6 is patentable over Peterson in view of Walker. Further, Crumby is not cited to address the deficiencies mentioned above with respect to a combination of Peterson and Walker. Accordingly, none of Peterson, Walker, and Crumby, considered alone or in combination, describe or suggest a gaming apparatus disposed in a casino as recited in claim 6. Hence, claims 20-21, which include the recitations of claim 6, are patentable over Peterson in view of Walker, and further in view of Crumby.

Newly added claim 67 depends from independent claim 6, which is patentable over the cited art for at least the reasons set forth above. Accordingly, Applicants respectfully submit that claim 67 is also patentable over the cited art.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGT1P213/P-657).

Respectfully submitted,

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